

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - AIRPORT; DPW; PARKS, RECREATION & RAILROAD AND SEWER

DATE: SEPTEMBER 1, 2010

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
BENTLEY
STEC
MERLINO
LOEB
MCCOY
CONOVER

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
DON DEGRAW, AIRPORT MANAGER
PAUL BUTLER, DIRECTOR, PARKS, RECREATION & RAILROAD
FREDERICK MONROE, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS STRAINER

COMMITTEE MEMBER ABSENT:

SUPERVISOR CHAMPAGNE

TAYLOR

THOMAS

VACANT - TOWN OF THURMAN

RICH SCHERMERHORN, RICH AIR
BRUCE MOWERY, OWNER, NORTH COUNTRY HELI FLIGHT
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *THE ADIRONDACK JOURNAL*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Belden called the meeting of the Public Works Committee to order at 10:10 a.m.

Motion was made by Mr. Bentley, seconded by Mr. Stec and carried unanimously to approve the minutes of the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Don DeGraw, Airport Manager, who distributed copies of the meeting agenda, a copy of which is also on file with the minutes.

Commencing with Agenda Item 2, Mr. DeGraw presented a request to enter into a new agreement with C&S Engineers to perform design services for the ARFF (Aircraft Rescue Fire Fighting) Building Expansion Project. He noted the cost of the contract was \$20,000 and that FAA (Federal Aviation Administration) grant funding would be used to cover 97% of the total cost, with a \$500 Local Share.

Motion was made by Mr. McCoy, seconded by Mr. Stec and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the September 17th Board meeting. *A copy of the request is on file with the minutes.*

Mr. DeGraw advised Agenda Item 3 referred to a request for a new commercial operating agreement with North Country Heli-Flight (NCHF) to operate commercial helicopter instruction and scenic tour operations from the Floyd Bennett Memorial Airport. He noted that Bruce Mowery, owner of NCHF, was in attendance and wished to address the Committee with respect to the matter.

Mr. Mowery apprised that NCHF was currently engaged in scenic and photo flights, as well as flight instruction, at both the Argyle, NY and Rutland, VT airports; he added they were presently seeking a permanent base of operations which they hoped would be the Warren County Airport. Mr. Mowery noted that future operations would be expanded to include charter services and they were currently in the process of obtaining appropriate licensing. He said they were diligently trying to establish themselves at the Warren County Airport and had developed a short

term solution that would meet their needs while satisfying the County's requirements.

Mr. Belden questioned whether contracting with NCHF would lead to increased revenues for the County and Mr. Mowery replied affirmatively, stating that the County would receive 3% of NCHF's estimated \$60,000 annual gross income. Additionally, he said the County would receive a portion of the proceeds received for increased FBO (Fixed Base Operator) fuel sales, hangar rentals and ramp fees and he noted they were currently expending \$3,100 monthly for fuel purchases. Mr. Mowery further noted that the increased visitor traffic relating to scenic flights and flight instruction would likely increase food and beverage sales for the Airport restaurant.

In response to a question posed by Mr. Belden, Paul Dusek, County Attorney/Administrator, advised that he had not yet had the opportunity to review the proposed contract. Mr. Belden then suggested that if the Committee was in favor of approving the request for a new contract with NCHF, they should do so contingent upon Mr. Dusek's review and approval of the contract documents.

Rich Schermerhorn, owner of Rich Air - FBO, announced that he had no objection to the implementation of a new contract with NCHF and advised that Mr. Mowery's business would be a great asset to the Airport, assisting in raising revenues to the facility. He said they were trying to expand the Airport in any way possible and NCHF was a perfect fit for their operations. Mr. Schermerhorn advised he was 2.5 years into his 10-year FBO contract and would be willing to establish lease terms with Mr. Mowery that would satisfy all involved parties.

Motion was made by Mr. Conover, seconded by Mr. Merlino and carried unanimously to approve the request for a new contract with North Country Heli-Flight for commercial helicopter operations and the necessary resolution was authorized for the September 17th Board meeting, contingent upon County Attorney review and approval of the proposed contract documents. *A copy of the request is on file with the minutes.*

Concluding the agenda review with Item 4, Referrals, Mr. DeGraw advised he and Mr. Dusek would have one more private meeting to discuss matters concerning the procurement of an easement on the Forest Enterprises parcel before approaching the property owner with their suggestions. He said that he had no further information to report on the matter at this time.

As there was no further Airport business to come before the Committee, privilege of the floor was extended to Jeffery Tennyson, Superintendent of Public Works, to begin the DPW portion of the meeting. Mr. Tennyson distributed copies of the agenda to the Committee members, a copy of which is also on file with the minutes.

Mr. Tennyson directed the Committee members to agenda page 2, which reflected a request to authorize sale of salvage bridge materials to the Town of Johnsburg Highway Department. He explained they had salvaged bridge beams for use on future projects and the Town of Johnsburg had expressed the need for such materials due to a bridge washout earlier in the year. Mr. Tennyson said he was requesting permission to sell bridge materials valued at \$2,011 to the Town of Johnsburg and for the funds received to be deposited in the Road and Bridge Material budget, Code D5110.465.

Motion was made by Mr. Stec, seconded by Mr. Bentley and carried unanimously to approve the request to sell salvage bridge materials to the Town of Johnsburg and the necessary resolution was authorized for the September 17th Board meeting. *A copy of the request is on file with the minutes.*

Motion was made by Mr. Stec, seconded by Mr. Bentley and carried unanimously to amend the 2010 County Budget to increase estimated revenues and appropriations in the amount of \$2,011 to reflect the receipt of unanticipated

revenues and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

The remaining New Business agenda items, Mr. Tennyson apprised, consisted of Items of Interest. He noted that several resumes for both the Senior Civil Engineer and Auto Mechanic positions had been received and they intended to begin the interview process during the following week. Mr. Tennyson said the next four items, pertaining to bid awards for guide rail, tree removal, existing bridge demolition and new superstructure construction, all for the Chatiemac Road Bridge Project, were outlined in the Bid Tabulation Sheets included in the agenda packet. He proceeded to review the bid information for the Committee's benefit, following which a brief discussion ensued.

Concluding the agenda review, Mr. Tennyson addressed the listing of referral items pending from prior Committee meetings which consisted of only one item, pertaining to the Stormwater Officer position. Mr. Dusek noted that the issue had been tabled for some time, while awaiting a meeting between representatives of the Town of Queensbury and City of Glens Falls to determine whether one position could be established to review the stormwater issues of both municipalities. Mr. Stec noted that the Town of Queensbury had yet to discuss this matter, but anticipated that the issue would have to be considered in the near future. Mr. Tennyson reminded the Committee that although the Stormwater Officer position would be used on an incidental basis at the County level, it would primarily be used by the Town of Queensbury and City of Glens Falls and that was why the two needed to meet and make a decision on the matter. He advised he was willing to schedule a meeting between Town of Queensbury and City of Glens Falls officials to discuss the issue and Mr. Stec advised he was agreeable to the meeting.

In closing, Mr. Tennyson requested an executive session to discuss matters that could possibly lead to the termination of an employee.

Motion was made by Mr. Merlino, seconded by Mr. Bentley and carried unanimously to enter into executive session to discuss the employment history of a particular person, pursuant to Section 105(f) of the Public Officers Law.

Executive session was held from 10:32 a.m. to 11:09 a.m.

Upon reconvening, Mr. Belden announced that no action had been taken during the executive session.

As there was no further DPW business to discuss, privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad, who distributed copies of the agenda to the Committee members. *A copy of the agenda is also on file with the minutes.*

Mr. Butler announced Agenda Item 1 consisted of a request to amend the 2010 County Budget to increase estimated revenues and appropriations to reflect the receipt of 2009-2010 New York State Parks, Recreation and Historical Preservation (NYSPRHP) Snowmobile Trail grant funds in the amount of \$36,809, the remaining 30% of the total grant funds. He noted that the amount had been about 4% less, but was increased when NYSPRHP determined additional funds were available for distribution.

Motion was made by Mr. Bentley, seconded by Mr. Stec and carried unanimously to amend the 2010 County Budget to reflect the receipt of 2009-2010 Snowmobile Trail grant funds in the amount of \$36,809 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Continuing to Agenda Item 2, Mr. Butler presented a request to amend Resolution No. 161 of 2009 to include a utility easement across the 1,000 Acres Ranch Resort property owned by Jack Arehart for the purpose of installing

an underground electrical feed line to the proposed Stony Creek platform. Mr. Dusek advised he had reviewed the request and had no issue with it.

Motion was made by Mr. Bentley and seconded by Mr. Thomas to approve the previously mentioned request.

Mr. Tennyson said it was his understanding that the easement agreement had yet to be accepted by Mr. Arehart and he noted they were rapidly approaching the deadline by which all agreements and approvals must be received in order to proceed with the platform project. He apprised that once approved by Mr. Arehart, the easement had to be submitted to the Department of State (DOS) for their approval in order to receive reimbursing grant funds. Mr. Tennyson added that although they had already received bids for all of the construction materials, all purchases and construction plans had been placed on hold pending final DOS approvals. He said that in order to meet construction and grant deadlines, which required the entire platform to be completed no later than December 31st in order to qualify for grant reimbursement, they would need all easement approvals to be received within the next week. Mr. Tennyson stated they were coming to a point where a decision would have to be made as to whether or not to proceed with the platform construction, as the work must be completed in its entirety by the identified deadline in order to be considered for grant reimbursement.

Mr. Dusek reminded the Committee that the initial easement agreement had been developed about a year ago and had been resurrected over the past months in a shortened format. He said the revised easement agreement was forwarded to the property owner for his approval and during the prior week he had received a response from Mr. Arehart indicating a number of issues and alterations as he felt the agreement was more favorable to the County than to himself. Mr. Dusek indicated that he had made alterations to the easement document and returned it to Mr. Arehart for his review, but had yet to receive a response. Mr. Thomas interjected that he had spoken with Mr. Arehart respective to this matter and had learned that the document was currently being reviewed by his legal counsel; he added that a response should be received in the near future but he was unsure what the return terms requested would be. Mr. Thomas suggested an alternate solution to this problem might be to seek an easement across from Mr. Arehart's property to reach the County-owned right-of-way and to include parking on that parcel, rather than to seek use of the 1,000 Acres parking lot. Mr. Tennyson responded that although this was a possibility, he reminded the Committee that the 1,000 Acres Resort was the actual destination and if they located the platform too far from the facility it might undermine the purpose of the platform.

Chairman Monroe noted that there appeared to be a number of encroachments on County property by the 1,000 Acres facility and he questioned whether this had been discussed when developing the easement agreements, possibly to forgive these encroachments in return for the desired easement. Mr. Dusek replied that these matters had not been discussed because he was not aware of the encroachment issues. Mr. Tennyson apprised that Mr. Arehart and his legal counsel were aware of the situation and he noted that there were currently stone pillars, horseshoe pits and possibly a volleyball court which had been constructed by the 1,000 Acres facility on County-owned property.

Mr. Belden called the question and the motion was carried unanimously to approve the request to amend Resolution No. 161 of 2009 to include a utility easement across the 1,000 Acres Ranch Resort property and the necessary resolution was authorized for the September 17th Board meeting. *A copy of the request is on file with the minutes.*

Resuming the agenda review, Mr. Butler addressed Item 3 which referred to an RFP (request for proposal) released for the sale of the caboose located at the Riparius Station. He announced that only one bid, for \$100, had been received from UHRR (Upper Hudson River Railroad) and he had included a resolution request to reject that bid,

based on the lower than reasonable amount.

Motion was made by Mr. Bentley, seconded by Mr. McCoy and carried unanimously to approve the request to reject the sole bid submitted by UHRR of \$100 for the purchase of the caboose located at the Riparius Station and the necessary resolution was authorized for the September 17th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Butler announced that Agenda Item 4 consisted of a notation on the prospective availability of approximately \$1 million in additional grant funding for the Railroad Project. Mr. Tennyson advised that a copy of the email received from NYSDOT (New York State Department of Transportation) outlining the availability of funds was included in the agenda packet; he added that the email had been sent to multiple track owners located along the Albany to North Creek corridor. He said that a decision would have to be made by the Committee as to whether or not they desired to pursue the grant funding and in order to assist with their consideration, he had asked Mr. Butler to review the Rail Station Project and list the items which had been removed from the Project, as well as their projected costs. When questioned on the Local Share amount associated with the grant funding, Mr. Butler apprised the County would be responsible for 20% of the grant amount awarded.

In response to Mr. Loeb's inquiry as to the status of a connection with the Saratoga Springs Station and the 2011 Railroad Operator RFP, Mr. Dusek advised the line to the Saratoga Station had been repaired and was awaiting final inspection, upon which it would be officially designated as appropriate for Class 2 railroad traffic. Mr. Dusek said the 2011 Railroad Operator RFP was complete and had been sent out earlier that week; he then proceeded to distribute copies of the RFP to the Committee members, a copy of which is also on file with the minutes. The initial RFP had been completely revised to develop the 2011 version, Mr. Dusek apprised, which included a marketing based approach that advertised what was available to prospective bidders while emphasizing the need to reach southern destinations and provide the ability to travel from the North Creek Station to areas as far south as New York City. He noted that it would be the operator's responsibility to make connections with the southern stations, the RFP was simply providing the ability to travel in that direction. Mr. Dusek said that freight rights had been developed; however, he added, CP Rail, who controlled the connection with the Saratoga Station, had declined to release their freight rights until the 2011 Operator was chosen. He asked the Committee members to review the RFP at their convenience and contact him with any questions they might have.

Mr. Tennyson noted that railroad bridge inspection and rating requirements were set to be increased to a level more commensurate with highway bridge inspections to include annual and semi-annual inspection and review in the future. He said it was unknown when the increased requirements would be implemented, or whether NYSDOT or the railroad owner would be responsible for funding inspection costs. Mr. Tennyson advised that since this was a major expense with an unknown funding source, it should be addressed when they begin negotiations with the new railroad operator.

Returning to the topic of the grant funding available, Mr. Butler pointed out there were a few railroad related items that required updating which the Committee should consider before foregoing the grant opportunity. Firstly, he noted that the Antone Mtn. Road crossing had not been updated to include arm crossing protection, which would cost about \$150,000; he added that UHRR had used some old equipment to partially update the crossing so that it was usable, but was not completely up to speed. Secondly, Mr. Butler said the railroad siding was never completed for the Hadley Station platform, due to budget constraints. And finally, he suggested they consider using available funds to enclose both the Hadley and Thurman Station platforms to include restroom facilities, as the underground infrastructure needed to support the enhanced construction was already in place. Mr. Butler stated that it was not

necessary to apply for the total grant funding available and said they might consider applying for a smaller amount to lower the associated Local Share.

When questioned as to the deadline for the grant opportunity, Mr. Tennyson apprised the email indicated anyone interested should advise of their intentions prior to October 1, 2010 as the Federal granting agency was seeking to recover the leftover grant funds and re-appropriate them to other projects.

Mr. Conover suggested that they seek an extension for the grant opportunity until some time after the 2011 Railroad Operator Contract was awarded, in order to give the chosen operator the option of applying for the grant funding and supporting the Local Share independently in order to save County dollars. Mr. Geraghty said he agreed with Mr. Conover's recommendation as it would save Local Share costs to the County.

Mr. McCoy left the meeting at 11:37 a.m.

Mr. Thomas noted that another prospective grant funding use to consider was the ability to purchase the tracks extending from the Town of North Creek northward, which could possibly lead to extensive freight income in connection with the Barton Mines facility seeking alternate shipping methods for their products.

Mr. Dusek advised that it might be worthwhile to contact the appropriate representatives and determine whether the grant opportunity deadline could be extended until after the 2011 Railroad Operator Contract was awarded in order to explore the options available. He added that they could produce an addendum to the RFP to note the availability of grant funding and possibly spark more interest in the contract. Mr. Butler said he had been advised that if an extension were being sought, contact should be made with Congressman Scott Murphy to make the request.

Following further discussion on the matter, it was the consensus of the Committee that Mr. Tennyson should contact Congressman Murphy to seek an extension on the notification deadline for the grant opportunity mentioned until after December 1, 2010.

Moving on to Agenda Item 5, Mr. Butler announced that the Up Yonda Farm would be submitting an application for 2011 occupancy tax funding. Mr. Tennyson explained that because Up Yonda had begun providing outreach programs in connection with local hotels, they had entered into a realm of operation which made it appropriate to seek occupancy tax funds. He said they had discussed this issue with both Mr. Kenny, Chairman of the Occupancy Tax Coordination Committee, and Kate Johnson, Director of Tourism, and were currently compiling the appropriate information for their application which could not be submitted until after December 1, 2010.

Mr. Conover stated his opinion that the Up Yonda staff were doing an outstanding job of providing educational services while working with a budget based solely on revenues, which was very difficult because it was unknown what the totals received would be until the end of said year. He said he felt Up Yonda was as eligible for occupancy tax funding as any other applicants and should be considered for funding regardless of the fact that their assets were owned by the County.

Mr. Belden questioned whether the Up Yonda facility was facing a deficit for 2010 and Mr. Tennyson replied in the negative, but noted that they were anticipating a \$21,000 deficit for the 2011 Budget year.

Mr. Tennyson apprised that Matt Sprow, Environmental Education Administrator at Up Yonda, was doing a very

good job of tracking visitors to the facility and had determined that not only school groups were visiting Up Yonda, but residents and families, as well. He explained that by tracking visitor's zip codes, Mr. Sprow was able to estimate that 25% of visitors to the facility were from outside of Warren County, some being summer residents and others visitors vacationing in the area. These figures, Mr. Tennyson said, determined that Up Yonda was no longer simply an educational facility, but was also becoming a destination for vacationers. He noted that Mr. Sprow was developing a packet of information reflecting ongoing activities and changes in visitor trends which would be available for review at a future Committee meeting. Mr. Tennyson stated that Up Yonda was no longer a scalable operation as they had already reduced staffing as far as they were able and further reductions would lead to the elimination of programming. He added they encouraged the Committee to consider benefits to the tourism industry provided by the Up Yonda facility, rather than just the traditional educational aspect of the facility.

Mr. Belden inquired as to whether a figure had been provided by the Up Yonda Trust for their 2011 contribution to the facility and Mr. Butler replied affirmatively, advising that \$149,000 had been promised. Mr. Butler added \$25,000 had been estimated for 2011 revenues and although they were comfortable with this figure, the actual amount received could fluctuate depending on attendance and participation. He noted that they were currently receiving higher than estimated revenues for 2010 and this was due in part to the \$1 per car increase in the parking fee which was implemented at the start of the year due to the 2010 Budget situation.

Chairman Monroe asked if there was an opportunity to increase user fees to gain higher revenue amounts and Mr. Butler replied that they only charged for parking and that no program fees were assessed. Chairman Monroe then questioned whether they were restricted from charging admission fees and Mr. Dusek responded that it was his understanding that they were not permitted to charge a fee according to the terms under which the property was acquired and that was why they began charging a parking fee for visitors. Mr. Tennyson noted that student visitors were charged a program fee but that was to cover the costs of materials associated with the learning program.

Concluding the agenda review, Mr. Butler addressed the listing of items pending from prior Committee meetings which he detailed as follows:

1. Discussion respective to the Stony Creek Platform was held earlier in the meeting;
2. Relative to the prospective transfer of the Kellogg property to the Town of Johnsbury, Mr. Dusek apprised that the Town of Johnsbury was in favor of the transfer and if the Committee was in agreement, a resolution would be necessary to terminate the management agreement the County held with OSI (Outdoor Space Institute) and authorize the transfer of property to the Town of Johnsbury.

Motion was made by Mr. Bentley, seconded by Mr. Loeb and carried unanimously to approve a resolution terminating the management agreement with OSI for the Kellogg Property and authorizing its transfer to the Town of Johnsbury and the necessary resolution was authorized for the September 17th Board meeting.

3. Discussion on the RFP for the 2011 Railroad Operator Contract was held earlier in the meeting;
4. The RFP for sale of the caboose located at the Riparius Station was discussed earlier in the meeting;
5. Mr. Dusek advised the sale of the Fairgrounds property was still under legal research and further information would likely be provided at the next Committee meeting;
6. Relative to the use of inflatable bounce houses on County property, Mr. Dusek announced he had developed a set of guidelines for such practices, copies of which were distributed to the Committee members and are on file with the minutes. He asked the Committee members to review the guidelines for further discussion at their next meeting; and

7. Mr. Butler said they had decided to proceed with the construction of a stake dock to replace the current Sheriff's dock on Lake George. He explained that this decision had been made based on the fact that the grant funds sought in connection with the Village of Lake George to build a crib-style dock would incur a 50% Local Share to the County while the funds being contributed to the County by the Lake George Park Commission would be sufficient to construct the stake dock with no additional Local Share. Mr. Butler advised the building materials had already been purchased and they intended to begin construction using County staff after the Labor Day holiday; he added that the necessary agreements and permit had already been secured.

Sue Wilder, Town of Hadley resident, addressed the Committee and relayed some of her positive experiences with the railroad and train trips now regularly running through the town. She closed by thanking the Committee for their efforts in forwarding the train and allowing it to expand to the extent that it had. Joanne Smith also addressed the Committee and stated her personal experiences, as well as her hope that railroad plans would progress, eventually allowing for regular train traffic from New York City and other southerly points to the Town of North Creek. She noted that expanded train traffic would also assist the 11 rafting companies located along the railroad corridor to grow their businesses as most were ready to meet visitors at the tracks and take them on rafting trips complete with overnight camping accommodations and return them to the railroad for their return trip home. Doug Cole, Warren County Resident, addressed the Committee stressing the importance of a commuter train to allow residents to travel to larger companies and secure positions with higher paying salaries, while maintaining residences in Warren County.

As there was no further Parks, Recreation & Railroad business to come before the Committee, privilege of the floor was extended to Mr. Tennyson to begin the Warren County Sewer portion of the meeting. Copies of the agenda were distributed to the Committee members and a copy is also on file with the minutes.

Mr. Tennyson directed the Committee members to the second page of the agenda which reflected a request for a new contract for slip lining gravity sewers in connection with the Town of Bolton Sewer Project. He noted that the contract would be awarded to the lowest responsible bidder to be determined subsequent to the bid opening scheduled for early October. Mr. Tennyson pointed out that the request was accompanied by a copy of the letter received from the USEPA (United States Environmental Protection Agency) authorizing advertisement of the bid.

Motion was made by Mr. Bentley, seconded by Mr. Loeb and carried unanimously to approve the request for a new contract as outlined above and the necessary resolution was authorized for the September 17th Board meeting. *A copy of the request is on file with the minutes.*

As an informational note, Mr. Tennyson apprised that he had hired William Lamy, former Superintendent of Public Works, to fill the temporary/part-time Sewer Administrator position approved at the prior months Committee meeting and he noted that Mr. Lamy had started working earlier that week.

As there was no further business to come before the Committee, on motion made by Mr. Bentley and seconded by Mr. Stec, Mr. Belden adjourned the meeting at 12:28 p.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist